

# Georgia Department of Natural Resources

## COASTAL DISTRICT OFFICE

One Conservation Way, Brunswick, Georgia 31520-8687  
Lonice Barrett, Commissioner  
Environmental Protection Division  
Harold F. Reheis, Director  
912/353-3225

Reply To:  
Abercorn Center  
6555 Abercorn Street, Suite 130  
Savannah, Georgia 31405

July 7, 1999

Mr. P.A. Argentenis, President  
Elan Technologies, Incorporated  
P.O. Box 779  
Midway, Georgia 31320

**CERTIFIED MAIL Z 288 290 055**  
**RETURN RECEIPT REQUESTED**

**SUBJECT: NOTICE OF VIOLATION**  
Elan Technologies, Inc.  
Midway, Liberty County  
EPA I. D. Number GAR000011916

Dear Mr. Argentenis:

On June 15, 1999, Jeff Barnes and David Lyle, representatives of the Environmental Protection Division, met with you and Ken Harrison, Manager of Spray Drying, to conduct a multi-media compliance evaluation inspection of the referenced facility. Various environmental laws, rules, and programs were used to evaluate your compliance and these are delineated here in no particular order.

### **HAZARDOUS WASTE**

Hazardous waste generators in Georgia are required to comply with Georgia's Hazardous Waste Management Act (O.C.G.A. 12-8-60 et. seq.), the Georgia Rules of Hazardous Waste Management (Chapter 391-3-11), and the Federal regulations adopted by reference. The following **violations** of the Act O.C.G.A. 12-8-60, The Rules, Chapter 391-3-11-.08 and Chapter 391-3-11-.16, and the regulations, Title 40 of the Code of Federal Regulations, Parts 262, and 268, were observed during the inspection:

40 CFR 262.20(a) Manifest general requirements, failure to provide a unique manifest document number on each manifest. Specifically, manifests numbered 00019 (state manifest numbers NJA 2956697 and 2956696) failed to have a unique document number according to the referenced instructions.

40 CFR 262.34(a)(4) Accumulation time. Failure to update the contingency / SPCC plan when necessary, as required by 265.54(d). Since Kenneth Harrison replaced Larry Clark as environmental coordinator in October 1998, his name and address have not been added to the contingency plan.

40 CFR 262.40(a) Use of manifest, failure to obtain a copy of a manifest with a signature and date of receipt at the T.S.D. facility. Specifically, manifest number 14947 was unsigned by the receiving facility.

40 CFR 262.42 (a)(2) Exception reporting, failure to file an exception report in the instance that a signed copy of a manifest was not received from the disposal facility within 45 days of shipment. Specifically, manifest number 14947 dated 10/12/98, which had no exception report.

40 CFR 268.7(a)(8) Testing, tracking, and Record keeping requirements. The facility failed to provide a LDR for shipments of D002 waste generated in 1998.

40 CFR 279.22(b)(2) Used Oil Storage. The facility allowed used oil to be stored in leaking containers, allowing a discharge of oil.

40 CFR 279.22(c) Used Oil Storage. The facility failed to mark the containers of used oil clearly with the words "used oil."

40 CFR 279.22(d) Used Oil Storage. The facility was experiencing a release or used oil to the environment at the time of the inspection, and although materials or practices could have been utilized preventing or minimizing the release, the facility responded only after being instructed to do so by the inspector.

These violations should be corrected immediately. A comprehensive written response documenting exactly how these violations have been corrected should be submitted to this office **not later than August 1, 1999**. Included in this response should be any documentation which shows correction of these violations and compliance with the rules and regulations. It is strongly recommended that you review each manifest and LDR form for each shipment of hazardous waste produced at your facility, and make corrections as needed. Please make sure that your response is timely and complete. Failure to do so will liable you for further enforcement.

### **WATER QUALITY**

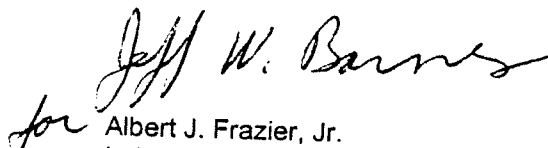
Water quality in Georgia is regulated by the Georgia Water Quality Control Act O.C.G.A. 12-5-20, and the Rules For Water Quality Control Chapter 391-3-6, and the Oil and Hazardous Materials Spill Reporting Act O.C.G.A. 12-14-1 (see enclosed copy). During the inspection, it was documented that a significant release of oil from the maintenance of fork lift equipment, was occurring in the vicinity of the concrete pad near the northwest truck loading dock. Oil was also observed to be on the sloped pad on the west side of the warehouse coming from leaking used oil storage containers, and running onto the ground, thus being released to and contaminating the groundwater. This is a **violation** of the Water Quality Control Act 12-5-29(a), which states that it shall be unlawful to use any waters of the state for the disposal of industrial wastes. To fail to report these releases is also a **violation** of the Oil and Hazardous Materials Spill Reporting Act O.C.G.A. 12-14-1.

### **AIR QUALITY**

Air quality in Georgia is regulated by the Georgia Air Quality Control Act, the Rules for Air Quality Control, and the Permit issued by the Division. During the inspection, no violations of the Act, Rules, or Permit were observed. Opacities from the two stacks were very low, and no fugitive dust problems were documented.

If you have any questions regarding this letter or any other matters, please feel free to contact me or Jeff Barnes in the Savannah Office at (912) 353-3225.

Respectfully,

  
for Albert J. Frazier, Jr.  
Industrial / Municipal Unit Manager

AJF/jb  
enclosures

c: Savannah Office, Indus. files, Liberty County  
Jeffrey Pallas, U.S. E.P.A., Region IV  
Renee Goodley, HW Generator Compliance Program